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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,160	08/25/2003	Warren Cohen	ALLUM-2	1810
32132	7590	02/24/2004	EXAMINER	
LAMORTE & ASSOCIATES P.C. P.O. BOX 434 YARDLEY, PA 19067			BOSWELL, CHRISTOPHER J	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 02/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/647,160	COHEN, WARREN	
	Examiner Christopher Boswell	Art Unit 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5 and 7-10 is/are rejected.
- 7) Claim(s) 6,11 and 12 is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,390,239 to McClain, in view of U.S. Patent Number 5,345,794 to Jenks.

McClain discloses the invention substantially as claimed. McClain discloses a device for locking an object to a tree that comprises a bolt (30) having a threaded shaft, a protective bracket (24) having a central housing (26) and at least one bracket arm (38), and a lock (58). However, McClain does not disclose the bolt is an eyebolt and the lock passes through the eye of the eyebolt. Jenks teaches of a lock that is used to advancing a lock through a curved bolt (figures 4 and 5) in the analogous art of locking devices for the purpose of establishing a lock that is not easily removed from a bolt (column 1, lines 8-14). It would have been obvious to one with ordinary skill in the art at the time the invention was made to substitute the bolt and lock in McClain with a curved bolt and the locking member of Jenks in order to provide a locking device that is not easily removed from the bolt, thus establishing a locking device that is more secure, as in claims 1 and 4.

Both McClain and Jenks disclose the lock having a first open configuration and a second locked configuration, where lock is selectively converted between the configurations with a key (McClain: column 3, lines 4-8; Jenks: column 4, lines 5-10), as in claim 2.

McClain further discloses the protective bracket has two bracket arms (38, 40) that extend from opposite sides of the central housing (figure 2), as in claim 3.

McClain discloses the invention substantially as claimed. McClain discloses a method of locking a tree stand to a tree to prevent theft, the steps are: advancing a bolt into a tree (column 2, lines 38-41), attaching a tree stand to the tree (column 2, lines 29-32), placing a protective bracket over the bolt, where the protective bracket has two bracket arms (38, 40) that pass over a section of the tree stand (figure 1), and placing a lock on the protective bracket, locking the bolt to the protective stand (column 3, lines 4-8). However, McClain does not disclose the bolt is an eyebolt and the lock passes through the eye of the eyebolt. Jenks teaches of a lock that is used to advancing a lock through a curved bolt (figures 4 and 5) in the analogous art of locking devices for the purpose of establishing a lock that is not easily removed from a bolt (column 1, lines 8-14). It would have been obvious to one with ordinary skill in the art at the time the invention was made to substitute the bolt and lock in McClain with a curved bolt and the locking member of Jenks in order to provide a locking device that is not easily removed from the bolt, thus establishing a locking device that is more secure, as in claims 5, 8, and 10.

McClain also discloses the tree stand having two framing elements (14, 16) that abut a tree, and advancing the bolt into the tree between the framing elements (figure 1), as in claim 9.

McClain additionally discloses the protective bracket envelops the bolt between the protective bracket and the tree, thereby isolating the head of the bolt (figure 3), as in claim 7.

***Allowable Subject Matter***

Claims 6 and 11-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to disclose the advancing of a bolt into a tree by connecting the protective bracket to the bolt and rotating the bracket to screw the bolt into the tree.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to bolt locks, and tree stand locking devices:

U.S. Patent Number 5,433,094 to Sandin et al., U.S. Patent Number 5,127,244 to Myers, U.S. Patent Number 4,557,458 to Vahlberg et al., U.S. Patent Number 4,548,060 to Campbell, U.S. Patent Number 4,038,843 to Daley, Jr., U.S. Patent Number 3,769,821 to Randel, U.S. Patent Number 3,711,894 to Walters, U.S. Patent Application Number 2003/0062220 to Lewis et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Boswell whose telephone number is (703) 305-4067. The examiner can normally be reached on 8:30 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (703) 308-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3676

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CJB



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